FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5077 OF 2000

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
|---|---|

Mr.L.S.Gaikwad for petitioners.
Ms.Sujata Mogre for res.Nos.1, 3 & 5.
Mr.M.P.Thakure for res.Nos.13 to 15.

-----

**CORAM : H.L GOKHALE &**
**J.H.BHATIA, JJ.**
**DATED : 12th June 2006**

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioners are challenging the order dated 11th February 2000 passed by the Additional Commissioner, Pune Division, Pune, on an Appeal filed by Smt.Kalabai Ramchandra Jadhav, respondent No.1 herein. The order discloses that the 1st respondent had filed that Appeal pointing out that instead of certain lands which were acquired for rehabilitation, she was prepared

to hand over some other parcel of lands. It is this Appeal which has come to be entertained under the impugned order. All that the appellate order says is that her application be considered by the Deputy Director, Rehabilitation and it is for that purpose that the application had been sent down.

3. Mr.Gaikwad appearing for the petitioners points out that one of the parcel of lands is Gat No.430 and it is the petitioners' case that an area of 7 hectares 75 ares from this Gat has come to the petitioners in oral partition between the petitioners'side on one hand and the other side of respondent Nos.1 to 5. The impugned order only sent back the matter down to the authority concerned. We clarify that if the petitioners want to point out that the land which is offered by

respondent Nos.1 to 5 is not their land, it will be open to him to point out to the authority concerned with supporting documents. This does not mean that this Court is, in any way, accepting the petitioners' submission that this parcel of land belongs to the petitioners. It will be open to them to produce all justifying documents before the authority concerned and after looking into the documents of the petitioners as well as those of respondent Nos.1 to 5, the authority will decide whether the application made by respondent Nos.1 to 5 should be entertained.

4. Petition stands disposed of.

**(H.L.GOKHALE, J.)**

**(J.H. BHATIA, J.)**